

Application Serial No. 09/600,458
Amendment dated August 10, 2004
Reply to Final Office Action dated March 11, 2004

REMARKS/ARGUMENTS

A review by the Examiner of the proposed claim is appreciated although it was indicated that no action could be rendered in connection with this claim without a further search. Accordingly, the present Amendment is accompanied by a Request for Continued Examination (RCE) so that prosecution can be continued.

Claim 1 has been amended to incorporate the subject matter of canceled Claims 16-18 and it is submitted that this claim, with the additional detail, would not be obvious to one of ordinary skill in the art over a combination of Eul, Basso and Sugita. Furthermore, one of ordinary skill in the art would not be directed or motivated to make such a combination.

Applicant's remarks in the amendment filed on February 9, 2004, with regard to Basso and Eul are hereby incorporated by reference. Eul is directed to the downloading of electronic games, not objects that provide a menu presentation of value added services as called for in Claim 1. Because Basso is directed to improving the quality of multi-media data being received at a computer terminal rather than communication networks or modifications thereto, it is submitted that Basso is not analogous art and should not be combined with Eul. The required teaching, suggestion or incentive to combine these two references required to reject the claims as obvious under 35 U.S.C. 103 is not present in these references.

With regard to the limitations of prior Claims 16 and 18 incorporated into Claim 1, although Eul discloses utilizing a Short Message Service of the mobile radio system, amended Claim 1 further calls for updating the display of the mobile station upon successful completion of an operation in the value added services node wherein the operation is selected by the user of the mobile station. Additionally, Claim 1 includes the limitations of prior Claim 17:

". . . communicating a short message from the value added services node to the mobile station containing the version number of the object available from the value added services node;

comparing the version number of the available object with a version number of the object available in the mobile station and, if a more up-to-date object is available, loading the more up-to-date object into the mobile station . . ."

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While Sugita relates to comparing version numbers of updated information, Sugita does not suggest or teach combining this with the disclosures of Eul and Basso so as to meet the limitations of the now much more detailed amended Claim 1.

It is requested that the Examiner reconsider the combination of limitations that are now present in Claim 1 against not only what is disclosed in Eul, Basso and Sugita but also the lack of suggestion or teaching for combining these references. It is submitted that the claimed subject matter would not be obvious within the meaning of 35 U.S.C. 103 for the reasons stated above and in the prior response.

As always, if the Examiner has suggestions as to ways in which prosecution could be expedited by further amendment of the claims, it is requested that she telephone the undersigned at 260-460-1692.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: August 10, 2004

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

August 10, 2004

Date